

**REMARKS-General**

1. The newly drafted independent claims 51 and 67 incorporate all structural limitations of the originally amended claim 31 and 47 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 51-70 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

**Response to Rejection of Claims 31 under 35USC112**

3. The applicant submits that the newly drafted claims 51-70 particularly point out and distinctly claim the subject matter of the instant invention, as pursuant to 35USC112.

**Response to Rejection of Claims 31-50 under 35USC103**

4. The Examiner rejected claims 31-50 under 35USC103(a) as being unpatentable over Watts (US 2002019276) in view of Heider (US 5,276,863) and Largman et al. (US 20020188887). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

5. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In

addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

6. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Watts which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Heider and Largman et al. at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

7. The applicant respectfully submits that the differences between the instant invention and Watts are not obvious in view of Heider and Largman et al. under 35USC103(a), due to the reasons explained below.

8. The applicant respectfully submits that the purpose of the instant invention is to use one computer to access two physically separated networks conveniently and safely. It is very important to separate the access of the two networks, so the performance in one network will not affect the performance in another network. Moreover, information exchange and stored in one network cannot be accessed by the other network **so as to maintain maximum security within each of the two networks**. In light of this purpose, the information of different operation statuses must be stored in different storage units and cannot be shared by different operation statuses. **That's why two storage units are employed in the present invention**. Note also that the two storage units are fully supported by the specification since it has been explicitly disclosed that at least several memories should be used.

9. In relation to this primary objective and consideration, the computer needs to be operated under two operation status alternatively and selectively so the CPU will not share the data in its memories. But for sake of the user's convenience, during switching the operation status, **the computer should not reboot, the alterable status register should be able to be resumed, the program addresses or data information should remain in the memory, the display information should remain in the display memory even if these memories are not connected with the CPU which is operating under another operation status**. The applicant respectfully submits that in the present invention, the computing system is capable of performing

these features with the use of two separate storage units. The above features are also fully supported in the specification. It is worth mentioning, moreover, that storage units comprise memories and hard disk. As we know, the data stored in memories such as RAM and display memories will lose when the power of the computer is turned off. When switching the storage units, it is necessary to remain the data saved in memories for resuming the operation status later.

10. In Heider, only one storage unit is used, and it is always connected with the CPU. So the CPU can access the entire data saved in the storage unit under either operation status. For the instant invention, when the operation status is switched, the CPU is disconnected with the previous storage unit and is connected with the other storage unit, so the two storage units cannot be accessed at the same time, while information used in one particular network will not disappear the next time that operation status is resumed.

11. On the other hand, Largman merely discloses that the hardware in a computer can be switched. The invention focuses on hardware repairing and replacing. Largman's invention can "switch data storage **devices**" (Largman paragraph [0006], lines 12-17). However, it is well known to one having ordinary skill in the art that switching data storage devices does not equivalent to switching data storage devices with the data reserved. Largman invention does not show the capability to switch devices without rebooting. Moreover, Largman does not describe which kind of data storage device it can switch. It only mentioned hard drive as storage device in the description of its invention, and did not mention memories such as display memory. So according to Largman, the switching of data storage devices can not prevent rebooting, and cannot preventing losing the data saved in memories for resuming the previous operation status.

12. The conclusion from the above analysis is that even by combining Heider and Largman, the combination cannot achieve the same result of the present invention. Moreover, Watts is different in that Watts utilizes only one set of computing hardware for accomplishing network separation and operation among two statuses.

13. The applicant reiterates that the invention must be considered as a whole and there must be **something in the reference that suggests the combination or the**

**modification.** See Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 488 (Fed. Cir. 1984) ("The claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination"), In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984), ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") In re Laskowski, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), ("Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, "[t]he mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.>"). In the instant invention, Watts, Heider and Largman do not teach, suggest or motivate the exact embodiment disclosed in the specification.

14. Indeed, the only mention of the computing system of the instant invention is in applicants own specification and claims. Accordingly, it appears that the Examiner has fallen victim to the insidious effect of a hindsight analysis syndrome where that which only the inventor taught is used against the teacher in W.L. Gore and Associates v. Garlock, Inc., 220 USPQ 303, 312-313 (Fed. Cir. 1983) cert. denied, 469 U.S. 851 (1984).

15. "To prevent the use of hindsight based on the invention to defeat patentability of the invention, **this court requires the examiner to show a motivation to combine the references that create the case of obviousness.** In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." In re Gorman, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991). **"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher."** W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). In the instant invention, each of the cited references do not teach the particular embodiment disclosed in the

specification, while each of cited references relate to a different, though similar, technology. There is no motivation, suggestion or teaching to combine and modify them in order to produce the instant invention. The Office Action fails to provide a reasoned analysis on why one of ordinary skilled in the art would have modified embodiments in the detailed description of the preferred embodiment, especially when the instant invention is developed to tackle the inherent disadvantage present in the prior art, such as in the cited references. **At the time the invention was made**, the issue of security and inconvenience when a network or statutes changes occur lead to the invention of the computing system recited in claim 51. No prior reference exists to tackle the problem as the instant invention did.

16. Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

#### **The Cited but Non-Applied References**

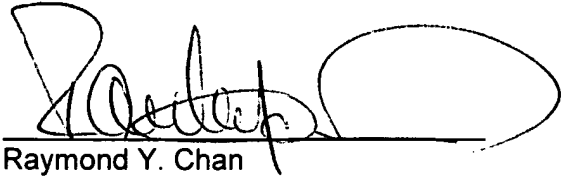
17. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

18. A fee in an amount of US\$405.00 is submitted herewith to pay the fee for Request for Continued Examination (RCE). This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

19. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 51-70 at an early date is solicited.

20. Should the examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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#### CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 04/06/2009

Signature:   
Person Signing: Raymond Y. Chan